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GOVERNMENT OF GOA

EXTRAORDINARY No. 2

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

8/3/2003/LA

The Goa Education Development Corporation Ordinance, 2003 (Ordinance No. 3 of 2003), which has been promulgated by the Governor of Goa on 27-8-2003, is hereby published for general information of the public.

Smt. Smita Chandwani, Under Secretary (Legal).

Panaji, 8th September, 2003.

The Goa Education Development Corporation Ordinance, 2003

(Ordinance No. 3 of 2003)

Promulgated by the Governor of Goa in the Fifty-fourth Year of the Republic of India.

An Ordinance to make special provision for securing the establishment and orderly development of educational institutions, services and facilities in the State of Goa, in particular in the educational areas and educational estates, and to assist generally in the organisation thereof,

and for that purpose to establish an Education Development Corporation, and for purposes connected with the matters aforesaid.

Whereas the Legislature of the State of Goa is not in session and the Governor of Goa is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (i) of Article 213 of the Constitution of India, the Governor of Goa is pleased to promulgate the following Ordinance, namely:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*— (1) This Ordinance may be called the Goa Education Development Corporation Ordinance, 2003.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force at once.

2. *Definitions.*— In this Ordinance, unless the context otherwise requires,—

(a) "amenity" includes road, supply of water or electricity, connectivity, street lighting, drainage, sewerage, conservancy and such other convenience as the State Government may, by notification in the Official Gazette, specify to be an amenity for the purposes of this Ordinance;

(b) "building" means any structure or erection, or a part of a structure or erection, which is intended to be used for residential, educational, commercial or other purposes, whether in actual use or not;

(c) "Collector" means the Collector of a district, and includes any Officer specially appointed by the State Government to perform the functions of a Collector under this Ordinance;

(d) "Corporation" means the Goa Education Development Corporation established under section 3;

(e) "development" with its grammatical variations, means the carrying out of building, engineering, quarrying or other operations in, on, over, or under land, or the making of any material change in any building or land, and includes redevelopment, and "to develop" shall be construed accordingly;

(f) "engineering operations" include the formation or laying out of means of access to a road or the laying out of means of water supply;

(g) "educational area" means any area declared to be an educational area by the State Government by notification in the Official Gazette, which is to be developed and where educational institutions are to be accommodated;

(h) "educational estate" means any site selected by the State Government where the Corporation develops plots of land and/or builds buildings and makes them available for any educational institutions;

(i) "educational facility" means any establishment utilized for the purpose of education and includes Colleges, Institutions, Industrial Establishment, Production and Tool Room, Testing Labs, Research Labs, Manufacturing Units, etc. (or such like);

(j) "educational service" means any service which is directly/indirectly undertaken partly/entirely for the purpose of education and includes teaching and learning (formal/informal), research activity, apprenticeship training, training workshop, seminars, conferences testing, etc.

(k) "means of access" includes a road, wharf or any means of access, whether private or public, for vehicles or boats or for foot passengers;

(l) "premises" means any land or building or part of a building and includes—

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(m) "prescribed" means prescribed by rules made under this Ordinance;

(n) the expression "land" and the expression "person interested" shall have the meanings respectively assigned to them in section 3 of the Land Acquisition Act, 1894 (1 of 1894);

(o) "State Government" means the Government of Goa.

CHAPTER II

Establishment and Constitution of the Corporation

3. *Establishment and incorporation.*— (1) For the purpose of securing and assisting in the rapid and orderly establishment and organisation of educational institutions in the educational areas and educational estates in Goa, there shall be established by the State Government by notification in the Official Gazette a Corporation by the name of the Goa Education Development Corporation.

(2) The said Corporation shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire, hold and dispose of property, both movable and immovable, and to contract, and do all things necessary for the purposes of this Ordinance.

4. *Constitution.*— (1) The Corporation shall consist of the following five directors, that is to say:—

(a) Secretary to the Government of Goa (in the department of Higher Education or Education);

(b) Director (Technical Education or Higher Education or Education);

(c) an educationist, to be nominated by the State Government;

(d) A person having shown capacity in developing and building of institutions of excellence in the field of education, to be nominated by the State Government;

(e) The Managing Director of the Corporation, who shall be the Chief Executive Officer of the Corporation and shall also be the ex officio Secretary to the Corporation;

(2) The State Government shall appoint one of the directors of the Corporation to be the Chairman of the Corporation.

5. *Disqualification for being Director.*— A person shall be disqualified for being nominated as a director of the Corporation, if he—

(a) is an employee of the Corporation, not being the Managing Director or

(b) is of unsound mind, and stands so declared, by a competent court, or

(c) is an undischarged insolvent, or

(d) is convicted of an offence involving moral turpitude within a period of five years immediately before his being nominated as a director.

6. *Terms of office and conditions of service of director.*— (1) The Chairman and directors of the Corporation nominated under clauses (c) and (d) of section 4, shall hold office for a period of three years from the date of their nomination unless their term of office is terminated earlier by the State Government.

(2) The directors of the Corporation nominated under clauses (c) and (d) of section 4 shall be entitled to draw such honorarium or compensatory allowance for the purpose of meeting the personal expenditure for attending the meeting of the Corporation or of any Committee thereof or when appointed in connection with the work undertaken by or for the Corporation, as may be prescribed.

(3) It is hereby declared that the office of Director or Chairman of the Corporation, in so far as it is an office of profit under the Government of India, or the Government of any State, or the Government of any Union territory, shall not disqualify the holder for being chosen as, and for being a member of the Legislative Assembly of Goa.

7. *Meetings of Corporation.*— (1) The Corporation shall meet at such times and places, and shall, subject to the provisions of sub-section (2), observe such rules of procedure in regard to the transaction of its business as may be provided by regulations made under this Ordinance.

(2) A director who is directly or indirectly concerned or interested in any contract, loan, arrangement or proposal entered into or proposed to be entered into by or on behalf of the Corporation, shall at the earliest, possible opportunity, disclose the nature of his interest to the Corporation, and shall not be present for any meeting of the Corporation when any such contract, loan, arrangement or proposal is discussed.

8. *Cessation of being Director.*— (1) If a director—

(a) becomes, subject to any of the disqualifications mentioned in section 5, or

(b) tender this resignation in writing to, and such resignation is accepted by, the State Government, or

(c) is absent without the Corporation's permission from three consecutive meetings of the Corporation, or from all meetings of the Corporation, for three consecutive months, or

(d) is convicted of an offence involving moral turpitude,—

he shall cease to be a director of the Corporation.

(2) The State Government may, by order, suspend from office for such period as it thinks fit, or remove from office any director of the Corporation, who in its opinion—

(a) has refused to act, or

(b) has become incapable of acting, or

(c) has so abused his position as director as to render his continuance on the Corporation detrimental to the interest thereof or of the general public, or

(d) is otherwise unfit to continue as director:

Provided that, a director shall not be suspended or removed from office unless he has been given a reasonable opportunity to show cause against the order.

9. *Vacancies how to be filled.*— Any vacancy of a director of the Corporation shall be filled as early as practicable, in like manner as if the appointment was being made originally:

Provided that, during any such vacancy the continuing directors may act as if no vacancy had occurred.

10. *Temporary absence of directors.*— (1) If the Chairman or any other director of the Corporation is by reason of illness or otherwise rendered temporarily incapable of carrying out his duties or is granted leave of absence by the State Government, or is otherwise unable to attend to his duties in circumstances not involving the cessation of his directorship, the State Government may appoint another person to act for him and carry out his duties and functions by or under this Ordinance. Such person shall vacate office on the date when the director for whom he is acting resumes his duties.

(2) In the absence of the Chairman, the directors present shall choose the Presiding Officer to preside over the meetings of the Corporation.

11. *Proceeding presumed to be good and valid.*— No disqualification of, or defect in the appointment of any person acting as the Chairman or a director of the Corporation, shall vitiate any act or proceeding of the Corporation, if such act or proceeding is otherwise in accordance with the provisions of this Ordinance.

12. *Officers and servants of the Corporation.*— (1) The State Government shall appoint a Managing Director and a Chief Accounts Officer of the Corporation.

(2) The Corporation may appoint such other Officers and servants, subordinate to the officers mentioned in sub-section (1), as it considers necessary for the efficient performance of its duties and functions.

(3) The conditions of appointment and service of the officers and servants of the Corporation and their scales of pay shall—

(a) as regards the Managing Director and the Chief Accounts Officer, be such as may be prescribed, and

(b) as regards the other officers and servants, be such as may be determined by regulations made under this Ordinance.

CHAPTER III

Functions and Powers of the Corporation

13. *Functions.*— The functions of the Corporation shall be—

(i) generally to promote and assist in the rapid and orderly establishment, growth and development of educational institutions,

services and facilities in the State of Goa, in order to develop competitive, flexible and value-based education system to meet the individual, institutional and socio-cultural developmental needs of the people of Goa.

(ii) In particular, and without prejudice to the generality of clause (i), to—

(a) establish and manage educational estates at places selected by the State Government;

(b) develop educational areas selected by the State Government for the purpose and make them available for educational institutions to establish themselves;

(c) promote schemes for preparation of graduates for the knowledge based economy and society;

(d) develop educational testing services and make them available to educational institutions for selection of candidates;

(e) develop facilities relating to information technology, such as broadband connectivity and wide area networks, and make them available for educational institutions;

(f) develop learning and training materials, including e-learning software and technology;

(g) promote schemes to increase literacy, in particular that relating to information technology, at all levels;

(h) implement schemes for the benefit of students, such as loans and scholarships, libraries and book banks, publication of books, involvement of parents in education process, to assist them in their pursuit of vocational, higher and/or technical education;

(i) encourage development of research facilities;

(j) hold conferences, workshops, panel discussions etc. in educational field;

(k) undertake schemes or works either jointly or on agency basis, with other corporate bodies or institutions, or with the Government, in furtherance of the purposes for which the Corporation is established and all matter connected therewith.

14. *General powers of the Corporation.*— Subject to the provisions of this Ordinance, the Corporation shall have power—

(a) to acquire and hold such property, both movable and immovable, as the Corporation may deem necessary for the performance of any of its activities and to lease, sell, exchange or otherwise transfer any property held by it on such conditions as may be deemed proper by the Corporation;

(b) to provide or cause to be provided amenities and common facilities in educational estates and educational areas and construct and maintain or cause to be maintained works and buildings thereof;

(c) to make available buildings on hire or sale to educationists or persons intending to start educational institutions, services or facilities;

(d) to construct buildings for the housing of the employees of educational institutions and service providers;

(e) (i) to allot plots of land or such buildings or parts of buildings, including residential tenements to suitable persons in the educational estates established or developed by the Corporation;

(ii) to modify or rescind such allotments, including the right and power to evict the allottees concerned on breach of any of the terms or conditions of their allotment;

(f) to constitute advisory committee to advise the Corporation;

(g) to engage suitable consultants or persons having special knowledge or skills to assist the Corporation in the performance of its functions;

(h) subject to the previous permission of the State Government, to delegate any of its powers generally or specially to any of its committees or Officers, and to permit them to re-delegate specific powers to their subordinates;

(i) to enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of its functions; and

(j) to do such other things and perform such acts as it may think necessary or expedient for the proper conduct of its functions and carrying into effects the purposes of this Ordinance.

15. *Authentication of orders and documents of Corporation.*— All permissions, orders, decisions, notices and other documents of the Corporation shall be authenticated by the signature of officer authorised by the Corporation in this behalf.

16. *Directions by the State Government.*— The State Government may issue to the Corporation such general or special directions as to policy as it may think necessary or expedient for the purpose of carrying out the purposes of this ordinance, and the Corporation shall be bound to follow and act upon such directions.

CHAPTER IV

Finance, Accounts and Audit

17. *Application of Corporation's assets.*— All property, funds and other assets vesting in the Corporation shall be held and applied by it, subject to the provisions and for the purposes of this Ordinance.

18. *Corporation's fund.*— (1) The Corporation shall have and maintain its own fund, to which shall be credited—

(a) all monies received by the Corporation by way of grants, subventions, loans, advances or otherwise;

(b) all fees, costs and charges received by the Corporation under this Ordinance;

(c) all monies received by the Corporation from the disposal of lands, buildings and other properties, movable and immovable, and other transactions;

(d) all monies received by the Corporation by way of rents and profits, or in any other manner or from any other source including the proceeds of any loan authorised by section 20.

(2) The Corporation may keep in current or deposit account with the State Bank of India or any other Bank approved by the State Government in this behalf such sum of money out of its fund as may be prescribed and any money in excess of the said sum shall be invested in such manner as may be approved by the State Government.

(3) Such accounts shall be operated upon by such officers of the Corporation as may be authorized by it by regulations made in this behalf.

19. *Grants, subventions, loans and advances and capital contribution to the Corporation.*— The State Government may, after due appropriation made by the State Legislature by law in this behalf, make such grants, subventions, loans and advances and capital contribution to the Corporation as it may deem necessary for the performance of the functions of the Corporation under this Ordinance; and all grants, subventions, loans and advances and capital contribution made shall be on such terms and conditions as the State Government may, after consulting the Corporation, determine.

20. *Power of the Corporation to borrow.*— The Corporation may, subject to such conditions as may be prescribed in this behalf, borrow money in the open market or otherwise with a view to providing itself with adequate resources.

21. *Deposits.*— The Corporation may accept deposits on such conditions as it deems fit from persons, authorities or institutions to whom allotment or sale of land, buildings or sheds is made or is likely to be made in furtherance of the objects of this Ordinance.

22. *Reserve and other funds.*— (1) The Corporation shall make provision for such reserve and other specially denominated funds as the State Government may, from time to time, direct.

(2) The management of the funds referred to in sub-section (1), the sums to be transferred from time to time to the credit thereof and the application of money comprised therein, shall be determined by the Corporation.

(3) None of the funds referred to in sub-section (1) shall be utilized for any purpose other than that for which it was constituted, without the previous approval of the State Government.

23. *Expenditure from funds.*— (1) The Corporation shall have the authority to spend such sums as it thinks fit for the purposes authorized under this Ordinance from out of the general fund of the Corporation referred to in section 18 or from the reserve and other funds referred to in section 22, as the case may be.

(2) Without prejudice to the generality of the power conferred by sub-section (1), the Corporation may contribute such sums as it thinks fit towards expenditure incurred or to be incurred in the performance of any of the statutory functions of the Corporation, including expenditure incurred in the acquisition of land.

24. *Budget and programme of work.*— (1) The Corporation shall, by such date in each year as may be prescribed, prepare and submit to the State Government for approval an annual financial statement and the programme of work for the succeeding financial year.

(2) the annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and detail as may be prescribed.

(3) The Corporation shall be competent to make variations in the programme of work in the course of the year provided that all such variations and reappropriations out of the sanctioned budget are brought to the notice of the State Government by a supplementary financial statement.

(4) A copy each of the annual financial statement and the programme of work and the supplementary financial statement, if any, shall be placed before the Legislative Assembly as soon as may be after their receipt by the State Government.

25. *Accounts and audit.*— (1) The Corporation shall maintain books of account and other books in relation to its business and transactions in such form, and in such manner, as may be prescribed.

(2) The accounts of the Corporation shall be audited by an auditor appointed by the State Government, in the prescribed manner.

(3) As soon as the accounts of the Corporation are audited, the Corporation shall send a copy thereof with a copy of the report of the auditor thereon to the State Government.

(4) The State Government shall cause the accounts of the Corporation together with the audit report thereon forwarded to it under sub-section (3) to be laid annually before the Legislative Assembly.

26. *Concurrent and special audit of accounts.*— (1) Notwithstanding anything contained in section 25, the State Government may order that there shall be concurrent audit of the accounts of the Corporation by such persons as it thinks fit. The State Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Corporation relating to any particular transaction or class or series of transaction or to a particular period.

(2) When an order is made under sub-section (1), the Corporation shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit.

CHAPTER V

27. *Acquisition of land for the Corporation to be a public purpose.*— Any land required by the Corporation for carrying out any of its functions shall be deemed to be needed for a public purpose and may be acquired under the provisions of the Land Acquisition Act, 1894 (1 of 1894) or any other law for the time being in force.

28. *Disposal of land by the Corporation.*— (1) Subject to any directions given by the State Government under this Ordinance, the Corporation may dispose of—

(a) any land acquired by the State Government and transferred to it, without undertaking or carrying out any development thereon; or

(b) any such land after undertaking or carrying out such development as it thinks fit, to such persons in such manner and subject to such terms and conditions, as it considers expedient for securing the purposes of this Ordinance.

(2) The powers of the Corporation with respect to the disposal of land under sub-section (1) shall be so exercised as to secure so far as practicable, that—

(a) where the Corporation proposes to dispose of by sale any such land without any development having been undertaken or carried out thereon, the Corporation shall offer the land in the first instance to the person from whom it was acquired, if they desire to purchase it, subject to such requirement as to its development and use as the Corporation may think fit to impose;

(b) persons who are residing or carrying on business or other activities on any such land shall, if they desire to obtain accommodation on land belonging to the Corporation and are willing to comply with any requirements of the Corporation as to its development and use, have an opportunity to obtain there on accommodation suitable to their reasonable

requirements on terms settled with due regard to the price at which any such land has been acquired from them.

(3) Nothing in this Ordinance shall be construed as enabling the Corporation, without the approval of the State Government, to dispose of land by way of gift, mortgage or charge, but subject as aforesaid, any reference in this Ordinance to the disposal of land shall be construed as a reference to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement, right or privilege or otherwise.

29. *Government lands.*— (1) For the furtherance of the objects of this Ordinance, the State Government may, upon such conditions as may be agreed upon between that Government and the Corporation, place at the disposal of the Corporation any lands vested in the Government.

(2) After any such land has been developed by, or under the control and supervision of the Corporation, it shall be dealt with by the Corporation in accordance with the regulations made, and directions given by the State Government in this behalf.

(3) If any land placed at the disposal of the Corporation under sub-section (1) is required at any time thereafter by the State Government, the Corporation shall replace it at the disposal of the State Government upon such terms and conditions as may be mutually agreed upon.

CHAPTER VI

Supplementary and Miscellaneous Provisions

30. *Powers of Corporation in case of certain defaults by owner of land in educational area.*—

(1) If the Corporation, after holding a local inquiry, or upon report from any of its officers or other information in its possession, is satisfied that the owner of any land in an educational area has failed to provide any amenity in relation to the land which in the opinion of the Corporation ought to be provided or to carry out any development of the land for which permission has been obtained under this Ordinance, the Corporation may serve upon the owner a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice.

(2) If any such amenity is not provided or any such development is not carried out within the time specified in the notice, then the Corporation may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit:

Provided that, before taking any action under this sub-section, the Corporation shall afford a reasonable opportunity to the owner of the land to show cause as to why such action should not be taken.

(3) All expenses incurred by the Corporation or the agency employed by it in providing the amenity or carrying out the development together with interest, at such rate as the State Government may by order fix, from the date when a demand for the expenses is made until payment, shall be recoverable by the Corporation from the owner.

31. *Order of demolition of building.*— (1) Where the erection of any building in an educational estate or educational area has been commenced, or is being carried on, or has been completed, or any existing building is altered, in contravention of the terms on which such building or the land on which it stands is held or granted by or under this Ordinance, or any rules made thereunder, any officer of the Corporation empowered by it in this behalf, may, in addition to any prosecution that may be instituted under this Ordinance, make an order directing that such erection shall be demolished by the owner thereof within such period not exceeding two months as may be specified in the order, and on the failure of the owner to comply with the order, the officer may himself cause the erection to be demolished and the expenses of such demolition shall be recoverable by the Corporation from the owner:

Provided that, no such order shall be made unless the owner has been given a reasonable opportunity to show cause why the order should not be made.

(2) Any person aggrieved by an order under sub-section (1) may appeal against that order within thirty days from the date thereof to a Committee of the Corporation set up for the purpose by regulations made in this behalf. Such Committee may, after hearing the parties to the appeal, either allow or dismiss the appeal or reverse or vary the order or any part of it.

(3) The decision of the Committee on the appeal and subject only to such decision, the order made by the officer under sub-section (1) shall be final.

32. *Power to stop building operations.*— (1) Where the erection of any building in an educational estate or educational area has been commenced or is being carried on, has been completed, or any existing building is altered, in contravention of the terms on which such building or the land on which it stands is held or granted under this Ordinance or any rules made thereunder, any officer of the Corporation empowered in this behalf may, in addition to any prosecution that may be instituted under this Ordinance, make an order requiring the building operations in relation to such erection to be discontinued on and from the date of service of the order.

(2) Where such building operations are not discontinued in pursuance of the requisition under sub-section (1), the Corporation or the officer empowered as aforesaid may require any police officer to remove the person by whom the erection of the building has been commenced and all his assistants and workmen from the place of the building within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(3) After a requisition under sub-section (2) has been complied with, the Corporation or the officer empowered as aforesaid may depute by a written order a police officer or an officer, or employee of the Corporation to watch the place in order to ensure that the erection of the building is not continued.

(4) Any person failing to comply with an order made under sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred rupees for every day during which such non-compliance continues after the service of the order.

(5) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of any order made under this section.

33. *Penalty for construction or use of land and buildings contrary to terms of holding.*— (1) Any person who, whether at his own instance or at the instance of any other person, undertakes or carries out construction of or alteration to any

building in any educational estate or educational area contrary to the terms under which he holds such building or land under this Ordinance or any rules made thereunder shall, on conviction, be punished with fine which may extend to ten thousand rupees, and in the case of a continuing contravention, with a further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

(2) Any person who uses any land or building in an educational estate or educational area contrary to the terms under which he holds such land or building under this Ordinance or any rules made thereunder or in contravention of the provisions of any regulations made in this behalf shall, on conviction, be punished with fine which may extend to five thousand rupees.

34. *Power to lay pipe lines, etc.*— (1) Within any area taken up for development under sub-clause (b) of clause (ii) of section 13, of the Corporation, or any person empowered in this behalf by the State Government by notification in the Official Gazette (hereinafter in this section referred to as "the authorized person"), may for the purposes of (a) carrying gas, water or electricity from a source of supply to the said area or (b) constructing any sewers or drains through, any intervening area, lay down, place, maintain, alter, remove or repair any pipes, pipe lines, conduits, supply or service lines, posts or other appliances or apparatus in, on, under, over, along or across any land in such areas.

(2) The Corporation or the authorized person may at any time enter upon any land in any such area and in such event the provisions of section 35 shall mutatis mutandis apply.

(3) While exercising the power conferred by sub-section (1), the Corporation or the authorized person shall cause as little damage as possible to property. Full compensation to all persons interested for any damage sustained by them in consequence of the exercise of such power as aforesaid shall be paid, as the case may be, by the Corporation or, in the case of the authorized person, by the State Government.

(4) Nothing herein shall authorise or empower the Corporation or the authorized person to lay down or place any pipe or other works into, through or against any building or in any land not dedicated to public use without the consent

of the owners and occupiers thereof, except that the Corporation or such person may at any time enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe has been already lawfully laid down or placed in pursuance of this Ordinance, and may repair or alter any pipe so laid down:

Provided that, nothing in the aforesaid provision shall be construed to mean that the Corporation or other person is forbidden from having the said land acquired at any time by the State Government in the normal course.

35. *Powers of entry.*— Any officer of the State Government, any director of the Corporation, and any person, either generally or specially authorized by the Corporation in this behalf, may enter into or upon any land or building with or without assistants or workmen for the purpose of—

(a) making any inspection, survey, measurement, valuation or enquiry or taking levels of such land or building;

(b) examining works under construction and ascertaining the course of sewers and drains;

(c) digging or boring into the sub-soil;

(d) setting out boundaries and intended lines of work;

(e) marking such levels, boundaries and lines by placing marks and cutting trenches;

(f) doing any other thing necessary for the efficient administration of this Ordinance:

Provided that,—

(i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;

(ii) sufficient opportunity shall in every instance be given to enable women (if any) to withdraw from such land or building;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

36. *Officers of the Corporation may be vested with other powers.*— The State Government may,

by notification in the Official Gazette, nominate any officer of the Corporation to be a controller or licensing authority under any law for the time being in force relating to the procurement or distribution of any commodity in respect of the educational institutions established or to be established in the educational estates or educational areas entrusted to or developed by the Corporation and no such nomination shall be called into question merely on the ground that such officer is not an officer of the State Government.

37. *Overriding powers of Government to issue directions to local authorities.*— Notwithstanding anything contained in any other law, or in any licence or permit, if the State Government is satisfied either on a recommendation made in this behalf by the Corporation or otherwise, that the setting up of an educational institution (whether within an educational area or outside) is impeded by a local authority's refusal to grant, or by such authority's insistence on conditions which the State Government considers unreasonable for the grant of, any amenity, the State Government may direct the local authority to grant the said amenity on such conditions as it may consider fit; and thereupon the amenity shall be granted:

Provided that the charge to be paid for granting or continuing such amenity to the local authority concerned is not less than the cost to the local authority or licensee concerned for providing such amenity:

Provided further that, no such direction shall be issued by the State Government unless the local authority shall have been given a reasonable opportunity to show cause why any such direction should not be made.

38A. *Declaration as educational area.*— (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, the State Government may, by notification in the Official Gazette—

(a) declare an educational area which is—

(i) earmarked as educational estate; and

(ii) having adequate facilities in respect of power, roads, water supply, to be notified area;

(b) appoint the Corporation or any Officer or Committee thereof for the purpose of the assessment and recovery of any taxes when imposed as per the provisions made thereof;

(c) declare that the provisions of any law relating to local authorities providing for control or erection of buildings, levy and collection of taxes, fees and other dues to the local authority which is in force in that area shall cease to apply and thereupon such provisions shall cease to apply thereof.

Provided that the Municipalities and the Village Panchayats which were receiving house tax from the occupants in the educational estates under their respective laws, shall be compensated by the Government to the extent of the last financial year's collection of taxes for such period as may be determined by the Government which shall not be less than five years.

(d) make other provision as is necessary for the purpose of the enforcement of the provision so provided to that area.

(2) Before the publication of a notification under sub-section (1), the Government shall cause to be published in the Official Gazette and also in at least one newspaper published in a language other than English and circulating in the area to be specified in the notification, and inviting all persons who entertain any objections to the said proposal to submit the same in writing with reasons therefor to the Government within two months from the date of publication of the proclamation in the Official Gazette.

(3) No such notification under sub-section (1) shall be issued by the Government, unless the objections, if any, so submitted under sub-section (2) are, in its opinion, insufficient or invalid.

39. *Recovery of sums due to the Corporation as arrears of land revenue.*— All sums payable by any person to the Corporation or recoverable by it by or under this Ordinance and all charges or expenses incurred in connection therewith shall, without prejudice to any other mode of recovery, be recoverable as arrears of land revenue on the application of the Corporation.

40. *Service of notices, etc.*— (1) All notices, orders and other documents required by this Ordinance or any rule or regulation made there-

under to be served upon any person shall, save as otherwise provided in this Ordinance or such rule or regulation, be deemed to be duly served—

(a) where the person to be served is a company, if the service is effected in accordance with the provisions of section 51 of the Companies Act, 1956 (1 of 1956);

(b) where the person to be served is a firm, if the document is addressed to the firm at its principal place of business identifying it by the name or style under which its business is carried on, and is either—

(i) sent under a certificate of posting or by registered post, or

(ii) left at the said place of business;

(c) where the person to be served is a statutory public body or a corporation or a society or other body, if the document is addressed to the secretary, treasurer or other chief officer of that body, corporation or society at its principal office and is either—

(i) sent under a certificate of posting or by registered post, or

(ii) left at that office;

(d) in any other case, if the document is addressed to the person to be served and—

(i) is given or tendered to him, or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or

(iii) is sent under a certificate of posting or by registered post to that person.

(2) Any document which is required or authorized to be served on the owner or occupier of any land or building may be addressed to "the owner" or "the occupier," as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served—

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed, is given or tendered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed on some conspicuous part of the land or building.

(3) Where a document is served on a firm in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, the occupier (if any) of the property may be required by notice in writing by the State Government or the Corporation, as the case may be, to state the name and address of the owner thereof.

41. *Public notices how to be made known.*— Every public notice given under this Ordinance or any rule or regulation made thereunder shall be in writing over the signature of the officer concerned and shall be widely made known in the locality to be affected thereby affixing copies thereof in conspicuous public places, within the said locality, or by publishing the same by beat of drum or by advertisement in a local newspaper, or by any two or more of these means, and by any other means that the officer may think fit.

42. *Notices, etc. to fix reasonable time.*— Where any notice, order or other document issued or made under this Ordinance or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed by this Ordinance or the rule or regulation, the notice, order or other document shall specify a reasonable period of time for doing the same or complying therewith.

43. *Furnishing of returns etc.*— (1) The Corporation shall furnish to the State Government such returns, statistics, reports, accounts and other information with respect to its conduct of affairs, properties or activities or in regard to any proposed work or scheme as the State Government may from time to time require.

(2) The Corporation shall, in addition to the audit report referred to in section 25, furnish to the State Government an annual report on its working as soon as may be after the end of each financial year in such form and detail as may be prescribed, and a copy of the annual report shall be placed before the Legislative Assembly as soon as may be after it is received by the State Government.

44. Withdrawal of area or estate or part thereof.— Where the State Government is satisfied that in respect of any particular educational estate or educational area, or any part thereof, the purpose for which the Corporation was established under this ordinance has been substantially achieved so as to render the continued existence of such estate or area or part thereof under the Corporation unnecessary, the State Government may, by notification in the Official Gazette, declare that such educational estate or educational area or part thereof has been removed from the jurisdiction of the Corporation. The State Government may also make such other incidental arrangements for the administration of such estate or area or part thereof as the circumstances necessitate.

45. Default in performance of duty.— (1) If the State Government is satisfied that the Corporation has made a default in performing of any duty or obligation imposed or cast on it by or under this Ordinance, the State Government may fix a period for the performance of that duty or obligation and give notice to the Corporation accordingly.

(2) If, in the opinion of the State Government, the Corporation fails or neglects to perform such duty or obligation within the period so fixed for its performance, it shall be lawful for the State Government to supersede and reconstitute the Corporation, as it deems fit.

(3) After the supersession of the Corporation and until it is reconstituted in the manner laid down in Chapter II, the powers, duties and functions of the Corporation under this Ordinance shall be carried on by the State Government or by such officer or officers or body of officers as the State Government may appoint for this purpose from time to time.

(4) All property vested in the Corporation shall, during the period of supersession, vest in the State Government.

46. Dissolution of Corporation.— (1) Where the State Government is satisfied that the purposes for which the Corporation was established under this Ordinance have been substantially achieved so as to render the continued existence of the Corporation in the opinion of the State Government unnecessary, the Government may, by notification in the Official Gazette, declare that the Corporation shall be dissolved with effect from such date as may be specified in the notification, and the Corporation, shall be deemed to be dissolved accordingly.

(2) From the said date—

(a) all properties, funds and dues which are vested in, or realizable by, the Corporation shall vest in, or be realizable by, the State Government;

(b) all liabilities which are enforceable against the Corporation shall be enforceable against the Government.

47. Authority for prosecution.— Unless otherwise expressly provided, no Court shall take cognizance of any offence relating to property belonging to, or vested by or under this Ordinance in, the Corporation, punishable under this Ordinance, except on the complaint of, or upon information received from the Corporation or some person authorized by the Corporation by general or special order in this behalf.

48. Composition of offences by Corporation.— (1) The Corporation or any person authorized by the Corporation by general or special order in this behalf may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Ordinance.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

49. Offence by companies.— (1) Where an offence under this Ordinance has been committed by a company, every person who, at the time the offence was committed, was in charge of, or was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment under this Ordinance if he proves that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any

director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) "company" means a body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

50. *Penalty for obstruction.*— (1) Any person who obstructs the entry of a person authorized under section 35 or any person with whom the Corporation has entered into a contract in the performance and execution by such person, to enter into or upon any land or building or molests such person after such entry or who obstructs the lawful exercise by him of any power conferred by or under this Ordinance shall, on conviction by a competent court, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) If any person removes any mark set up for the purpose of indicating any level, boundary line, or direction necessary to the execution of works authorized under this Ordinance, he shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 10,000/- or with both.

51. *Power to make rules.*— (1) The State Government, after consultation with the Corporation in regard to matters concerning it, may, by notification in the Official Gazette, make rules to carry out the purposes of this Ordinance:

Provided that, consultation with the Corporation shall not be necessary on the first occasion of the making of rules under this section, but the State Government shall take into consideration any suggestions which the Corporation may make in relation to the amendment of such rules after they are made.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) under section 6, the honorarium and compensatory allowance of the directors of the Corporation;

(b) under section 12, the conditions of appointment and service and the scales of pay of the Managing Director and the Chief Accounts Officer of the Corporation;

(c) under section 18, the sums of money to be kept by the Corporation in current and deposit accounts;

(d) under section 20, the conditions subject to which the Corporation may borrow;

(e) under section 24, the date by which the annual financial statement and programme of work shall be submitted by the Corporation to the State Government and the form and manner of preparing such statement;

(f) under section 25, the manner of maintaining accounts;

(g) under section 43, the form of, and the details to be given in, the annual report;

(h) the fees which may be charged by the Corporation;

(i) any other matter which has to be, or may be, prescribed by rules.

(3) All rules made under this section shall be laid for not less than fourteen days before the Legislative Assembly as soon as possible after they are made, and shall be subject to such modifications as the Assembly may make during the session in which they are so laid, or the session immediately following.

52. *Power to make regulations.*— (1) The Corporation may, with the previous approval of the State Government, make regulations consistent with this Ordinance and the rules made thereunder to carry out, the purposes of this Ordinance, and without prejudice to the generality of this power, such regulations may provide for:—

(a) under section 7, the time and place of meetings of the Corporation and the procedure to be followed in regard to the transaction of business at such meetings;

(b) under section 12, the conditions of appointment and service and the scales of pay of officers and servants of the Corporation, other than the Managing Director and the Chief Accounts Officer;

(c) under section 18, the officers of the Corporation who may operate its accounts;

(d) under section 29, the manner in which Government lands shall be dealt with by the Corporation after development;

(e) under section 31, the committee of the Corporation to hear appeals under that section and the procedure to be followed by it;

(f) under section 33, the additional terms and conditions subject to which lands and buildings in educational estate and educational areas may be held or used;

(g) any other matter which has to be, or may be, provided by regulations.

(2) All regulations made under this section shall be published in the Official Gazette and shall be laid for not less than fourteen days before the Legislative Assembly as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid, or the session immediately following.

53. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance or any rule or regulation made thereunder.

54. *Notice of suit and limitation of suits against the Corporation, Committees, Officers and servants for acts done in pursuance of execution of this Ordinance.*— (1) No suit shall lie against the Corporation or against any Committee constituted under this Ordinance or against any Officer, or servant of the Corporation in respect of any act done in pursuance or the execution or intended execution of this Ordinance, or in respect of any alleged neglect, or default in the execution of this Ordinance—

(a) Unless it is commenced within six months after the accrual of the cause of action; and

(b) Until the expiration of two months after the notice in writing has been, in the case of the Corporation or its Committee, delivered or left at the Corporation's office and in the case of an Officer or servant of the Corporation, delivered to him or left at his office or place of abode; and all such notices shall state with reasonable particulars the cause of action and the name and place of abode of the intending plaintiff and of his advocate, pleader, or agent, if any, for the purpose of the suit.

(2) If the defendant in any such suit is an officer, or servant of the Corporation, payment of any sum or part thereof payable by him in or in consequence of the suit may, with the sanction of the corporation, be made from the Corporation funds.

55. *Directors, officers and staff of Corporation to be public servants.*— All directors, officers and servants of the Corporation shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

56. *Power to remove doubts and difficulties.*— If any doubt or difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by order, make provision or give such direction not inconsistent with the express provisions of this Ordinance, as may appear to it to be necessary or expedient for the removal of the doubt or difficulty, and the order of the State Government, in such cases, shall be final.

57. *Ordinance to have overriding effect.*— The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in the Goa, Municipalities Act, 1968 (Act 7 of 1969) and the Goa, Panchayat Raj Act, 1994 (Act 14 of 1994).

Place: Raj Bhawan, Goa.

Sd/-

Dated: 27th August, 2003.

Governor of Goa.